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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,749	02/19/2004	Bulent Korkmaz	ZAHFRI P369USRI	5013
20210	7590	12/07/2004	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			WRIGHT, DIRK	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,749

Applicant(s)

KORKMAZ ET AL.

Examiner

Dirk Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☒ Claim(s) 1,3-7,22-27,30,31 and 33 is/are rejected.
- 7) ☒ Claim(s) 2,28,29 and 32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08252004, 10282004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Reissue Applications

The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Claims Rejected

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-7, 22-27 and 30 are rejected under 35 102(b) as being anticipated by EP '006, published November 12, 2002. In figure 1 is shown a six speed transmission with three planetary gear sets, 40, 30 and 20, which correspond to applicant's claimed first, second and third gear sets. Engine 12 drives input shaft 17 via a torque converter. The input shaft is directly connected to second sun gear 32, and is clutched to first sun gear 42 via first clutch 52, and to first spider 49 via second clutch 50. The output shaft 19 is connected to third spider 29. A first brake 58 secures first sun gear 42 to the housing, a second brake 56 secures the first spider 49 to the housing, and a third brake 54 secures an independent third sun gear 22 to the housing. First spider 49 is connected to second ring gear 34, and second spider 39 is connected to third ring gear 24. The chart in figure 2 shows the clutching and braking arrangements for all six forward speeds and a

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reverse speed. The chart shows that the clutching and braking are identical to applicant's arrangement.

Claims 1, 22, and 30 are rejected under 35 USC 102(e) as being anticipated by Martyka '370. Martyka shows a seven-speed transmission with three planetary gear sets 50, 60 and 70 which correspond to applicant's first, second and third gear sets as claimed. Clutch 34 corresponds to applicant's first clutch, and clutch 36 corresponds to applicant's second clutch. A brake 40 corresponds to applicant's first brake, another brake 42 corresponds to applicant's second brake, and a further brake 32 corresponds to applicant's third brake. The input shaft 20 directly drives second sun gear 58, and is clutch to the first sun gear and first spider. The output shaft 24 is connected to third spider 76. The arrangement of clutching and braking for the various speed ratios is different however.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31 and 33 are rejected under 35 USC 103(a) as being unpatentable over EP '006 or Mrtyka '370. Neither of the applied references shows a vibration damper or the rest of the drive train to the wheels. It would have obvious to one of ordinary skill in this art to use a vibration damper because they are commonly used to connect engines to transmissions, and it would have further been obvious to one of ordinary skill in this art to connect the transmission to an ordinary drivetrain with a final reduction gear and a differential.

Claims Objected

Claims 2, 28, 29, and 32 are objected to because they contain allowable subject matter yet they depend from rejected claims. In regards to claim 2, it is the features of claim 1 combined with the features of the spider of the first gear set being connected to the internal gear of the third gear set and the internal gear of the second gear set being connected to the spider of the third gear set that is not found in the prior art. In regards to claims 28, 29 and 32, it is the arrangements of the input shaft, the output shaft and the clutches, in combination with the features of claim 1 that is not found in the prior art.

Claims Allowed

Claims 8-13 are allowable over the prior art of record. The claims are allowed because the prior art does not anticipate nor render obvious the invention of a six speed planetary transmission as recited with the particular feature of the spider of the first gear set being fixedly connected with an internal gear of the third gear set and an internal gear of the second gear set being fixedly connected to a spider of the third gear set.

Prior Art Discussed

The examiner has considered the references cited by applicant in his Information Disclosure Statement filed October 28, 2004 and August 25, 2004. Only the applied reference EP '006 appears to be relevant.

Conclusion

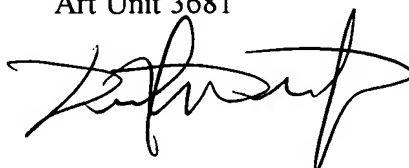
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dirk Wright whose telephone number is 703-308-2160. The examiner can normally be reached on Monday through Friday, 8AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dirk Wright
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Dirk Wright', with a stylized, flowing script.

DW
Saturday, December 04, 2004